

**From:** Les Brunswick  
**To:** Microsoft ATR  
**Date:** 1/9/02 1:11pm  
**Subject:** Microsoft Settlement

I would like to point out one way in which the settlement that the Department of Justice agreed to is deeply flawed. By breaking the anti-trust laws Microsoft made enormous illegal gains in terms of profits and market share. Yet under the agreement it is not forced to turn back any of these, but instead gets to keep them.

The lesson that Microsoft learns from the agreement is that it is to its own advantage to break the law. The predictable consequence is that Microsoft will continue to break the law in the future, in old ways or new ones.

It would not be hard to make Microsoft give up its near monopoly in the internet browser market. It gained it by forcing original equipment manufacturers to install Internet Explorer (which was subsidized by its monopoly-level profits from Windows) and not carry Netscape Navigator. The remedy could be for Internet Explorer to be unbundled from Windows, for OEM's to be forbidden for several years to install Internet Explorer and required to install another web browser, and for Microsoft to be required to distribute Internet Explorer only by selling it at a price that represents its cost of development. Do this for two or three years and we would have real competition restored to the browser market.

The first Microsoft anti-trust trial failed to halt the company from continuing after the trial to abuse and expand its monopolies, and the second trial will have the same outcome if the present agreement is upheld.

Sincerely,

Les Brunswick

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